Remarks

Claims 1-52 are now pending in this application. The Office Action rejected

claims 1-3, 5, 7-9, 16, 21, 23, 24, 26, 28-30, 38, 41-43, 48 and 49 under

35 U.S.C. §102(b) as being anticipated by an article describing the Rocky Mountain

Monument & Vault's monument design software described in an article "Funeral Home

Online — Funeral Home Goes High Tech" from the *Utah Prime Times* (hereinafter Utah

Prime Times article). Also rejected were claims 22, 45-47, 50 and 51 under

35 U.S.C. §102(e) as being anticipated by Barrot et al., U.S. Patent Application Publication

No. 2002/00464046 (hereinafter Barrot et al.). The Office Action further rejected claims 1-

21, 23-44, 48 and 49 under 35 U.S.C. §103(a) as being unpatentable over Barrot et al. and

the Utah Prime Times article. The Office Action additionally objected to the drawings as

failing to comply with 37 C.F.R. 1.84(p)(5).

Applicants respectfully traverse the rejections and objections, as the cited

references do not disclose or suggest the invention as recited in any of claims 1-51.

Applicants respectfully submit that no new subject matter is being added by new claim 52

and the other above amendments, as the amendments are fully supported in the

specification, drawings and claims as originally filed.

More particularly, two paragraphs of the specification have been amended in

deference to the Examiner. These amended paragraphs should satisfy the objections of the

Office Action cited under 37 C.F.R. 1.84(p)(5). Most of the claim amendments include

explicit recitations of an overlay image of a correlated item that comprises a physical object

capable of being attached to a funeral item. Significantly, none of the cited references teach or suggest overlaying images of such objects. The claimed correlated item is configured to attach to the funeral item and comprises a physical object distinct from the funeral item(as opposed to a mere engraving on a single product). Likewise, none of the cited prior art teaches or suggests a system for selecting an item that locally retrieves and displays an image in response to a request from a remote server. In view of these amendments to the claims and the below remarks, Applicants respectfully request reconsideration of the patentability of all pending claims.

Now specifically turning to claim 1, the claim has been rejected as being anticipated by the Utah Prime Times article, as well as being unpatentable over the Utah Prime Times article and Barrot et al. Claim 1 generally recites a process for guiding a funeral planning session that includes superimposing an overlay image of a correlated item over an image of a funeral item. A planner can then view a composite image of the two items to see how the respective items will look when attached. The accurate, visual representation of how the items actually appear together thus allows the planner to make other selections based upon their impression of the composite image.

The Office Action asserts that the text/artwork described in the Utah Prime Times article, which is etched onto a headstone, comprises an attachable item unto itself. That is, the Office Action implies that by merely showing writing on a single product, the article teaches overlaying images of separate physical objects. Applicants respectfully traverse this characterization, as text/artwork on a headstone no more comprises an item

separate from the headstone than does, for instance, a granite hue or shape selected for the headstone. The text/artwork disclosed in the Utah Prime Times article merely constitutes a preference particular to a single product. A planner would not order a color or epitaph apart from a headstone; they are part of the same item.

Moreover, the text in the Utah Prime Times article is incapable of attaching to (but rather becomes part of) the headstone, unlike would a cap panel, an engraving plate or corner adornment, as recited in Applicants' claims. The Utah Prime Times article, itself, suggests the singularity of the etched headstone when it reads of a "future . . . where people can come to look at . . ." multiple ". . . products that are available." Because the Utah Prime Times article does not teach images correlated to multiple items, it cannot be said to teach superimposing an overlay image of a correlated item over an image of a funeral item. Claim 1 and those claims that depend therefrom are therefore novel over the Utah Prime Times article. Consequently, Applicants request that the 35 U.S.C. §102 rejection of claims 1, as well as of claims 2, 3, 5, 7-9, 16 and 21 be withdrawn.

Moreover, the combination of the Utah Prime Times article with Barrot et al. does not render claim 1 obvious, as asserted in the Office Action. Barrot et al. describes a computer that allows users to view images of funeral products by replacing one web page image with another web page image. As admitted on page 14 of the Office Action, Barrot et al. does not teach forming a composite image by superimposing an overlay image over a base image. The Office Action relies on the Utah Prime Times article to remedy this deficiency. There is, however, no motivation to combine Barrot et al. with the Utah Prime

Times article. Barrot et al. in fact teaches away from the modification of static distributor images at paragraph [0017]. Namely, distributor's images are only accessible in "read only" mode in the Barrot et al. system to preserve data integrity. The Barrot et al. system actually takes precautions to prevent a user from altering a distributor's image of product, such as altering text on a product image as disclosed in the Utah Prime Times article.

Even if the two references could be properly combined, however, there would still be no teaching or suggestion present in Barrot et al., the Utah Prime Times article or some combination thereof to superimpose one image of a correlated item over another image of another item, as recited in claim 1. As discussed above, the Utah Prime Times article does not teach or suggest overlaying an image of an item capable of attaching to another item over another image of that other item. The article does not suggest this because people do not attach objects to headstones. Therefore, there is no need to overlay an image of an attachable item. Barrot et al. does not suggest overlaying an attachable image because it replaces one web page image with another. Consequently, claim 1 is non-obvious over a combination of the Utah Prime Times article and Barrot et al. Because there is no suggestion, motivation or teaching present in either reference to superimpose an overlay image of a correlated item over a base image of a funeral item, Applicants request reconsideration and allowance of claim 1.

The claims that depend from claim 1 contain additional limitations and features that further distinguish them from the cited prior art. For instance, claims 2-4 include storing and retrieving the base, overlay and composite images within a database.

Neither the Utah Prime Times article, Barrot et al., or any combination of the cited prior art teaches or suggests an overlay image or composite image as claimed. For at least this reason, claims 2-4 are novel and unobvious.

In another example, claims 5 and 6 of Applicants recite initiating the retrieval of image data at a local computer in response to an instruction from a remote network server. Configuring the remote network server to initiate the local retrieval of the image data allows a user to interact directly with the server, while avoiding undesirable bandwidth delays conventionally associated with downloading images. Neither the Utah Prime Times article, Barrot et al., or any combination thereof, teaches or suggests retrieving image data at a local computer in response to an instruction from the network server.

Namely, the Utah Prime Times article makes no mention of a server, and the images discussed in Barrot et al. are retrieved from the server, as discussed in paragraphs [0056] - [0057]. That is, the downloaded images of Barrot et al. are not retrievably stored at the user's local computer. The absence of a memory in the user's computer 22 shown in Fig. 1 of Barrot et al. reinforces the fact that the cited application publication does not teach or suggest locally storing image data. Consequently, a display of images using the Barrot et al. system is slow and cumbersome, resulting in awkward delays. Moreover, the downloaded image using the processes of Barrot et al. will generally be too small to accurately convey a true sense of an item. For at least these reasons, claims 5 and 6 are also novel, unobvious and in condition for allowance.

Applicants traverse any assertion by the Office Action that the Utah Prime Times article or Barrot et al. teach an interface for entering and retrieving product information to and from a database having overlay images as recited in claims 7-11. Since neither reference or a hypothetical combination of the references teaches or suggests an overlay image of an item capable of attaching to another item, any combination of the references cannot properly be said to teach or suggest selecting such image data according to a theme, as generally recited in claims 12-15. Claims 16 and 17 further limit the type of image and items, respectively. Claims 18-20 generally include limitations regarding a comprehensive plan, and claim 21 includes overlaying an additional image over the composite image. There is no suggestion or motivation present in either the Utah Prime Times article, Barrot et al., or any combination of the references to perform any of the above-discussed and claimed features. Consequently, Applicants request reconsideration and allowance of claim 1, as well as of claims 2-21 that depend therefrom.

Now turning to independent claim 22, this claim recites selecting a product using a local computer that is networked to a remote server. The local computer has a database that includes an image of a funeral product that is retrieved from and displayed on the local computer in response to a request from the remote server. This feature allows the user to navigate system level software via the server, while avoiding delays and other bandwidth limitations associated with conventionally downloading an image from the server. This conventional practice of downloading an image from the server is what is disclosed in Barrot et al. at paragraphs [0056] and [0057], as discussed above.

As shown in Fig. 1 of Barrot et al., the local user 22 in Barrot et al. uses their browser 20 to access a remote database 28 of a remote server 2 to initiate the download of an image. The exclusive reliance of the user 22 on the remote storage of the images is reinforced by the absence of a comparable database or memory in Fig. 1. As such, Barrot et al. does not teach retrieving an image from a local database in response to a request from a remote server. Of note, the "local" drive 18 of Fig. 1 as described in paragraph [0063] and cited in the Office Action is on a server 2 that is remote from the user 22. Consequently, Barrot et al. does not teach retrieving from and displaying on a local computer an image in response to a request from the remote server. As such, the 35 U.S.C. §102(e) rejection of claim 22 should be withdrawn.

Now turning to independent claim 23, this claim recites in part the concept of superimposing an overlay image of a correlated item capable of attaching to another item over a base image of that other item to form a composite image. Likewise, independent claim 48 recites in part a program configured to superimpose an overlay image of a correlated item over a base image of another item to form a composite image. As such, claims 23 and 48 are allowable for at least similar reasons as discussed above in connection with the rejection of claim 1. Reconsideration and allowance of claim 23 and 48, as well as of claims 24-44 and 49 that depend therefrom are respectfully requested.

Independent claim 45 recites, in part, a program executing on a local computer that accesses a database also on the computer to retrieve and initiate the display of an image on the local computer in response to a request from a remote network server.

As such, claim 45 is allowable for at least the same reasons discussed above in connection with the rejection of claim 22. Likewise, independent claim 50 recites a program executing on a local computer and configured to retrieve and initiate a display of an item, on the local computer in response to a request from a remote network. Similarly, independent claim 47 recites a program residing on a network server and configured to direct a local computer to display an image in response to a request initiated by a local computer. As discussed above, there is no teaching or suggestion in the Utah Prime Times article, Barrot et al., or any combination thereof of an apparatus that initiates the display of an image in response to a request from a remote network server. Consequently, reconsideration and allowance of claims 45, 47 and 50, as well as those claims that depend therefrom are respectfully requested.

Turning to independent claim 46, this claim recites in part the concepts of both overlaying images of funeral items and of superimposing the overlay image in response to a request from a remote network server. As discussed above, neither concept is taught or suggested in the Utah Prime Times article, Barrot et al. or any combination thereof. Consequently, reconsideration and allowance of claim 46 are respectfully requested.

Finally, turning to independent claim 52, this claim explicitly recites superimposing an image of a funeral item over an image of a viewing room. As discussed herein, Barrot et al. merely provides a single image, and the Utah Prime Times article does not teach or suggest superimposing an image of one item over another. Therefore, claim 52 is both novel and unobvious, and allowance is respectfully requested.

Applicants therefore submit that all pending claims are patentable over the prior art of record, and reconsideration and allowance of all pending claims are accordingly requested. If the Examiner has any questions regarding the foregoing, or which might otherwise might further this case on to allowance, they Examiner may contact the undersigned at 513-241-2324. Moreover, if there are any charges or credits that are necessary to complete this communication, please apply them to deposit account 23-3000.

Respectfully submitted,

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